

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WESLEY ALLEN CROSS GUNS, JR.,

Defendant.

CR-20-89-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 20, 2023. (Doc. 61.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 19, 2023. (Doc. 57.) The United States accused Wesley Cross Guns (Cross Guns) of violating his conditions of supervised release 1) by committing another crime; 2) by failing to

follow the instructions of his probation officer; and 3) by consuming alcohol. (Doc. 55.)

At the revocation hearing, Cross Guns admitted to having violated the conditions of his supervised release 1) by committing another crime; 2) by failing to follow the instructions of his probation officer; and 3) by consuming alcohol. (Doc. 57.) Judge Johnston found that the violations Cross Guns admitted prove serious and warrant revocation of his supervised release. (Doc. 61.) Judge Johnston recommends a sentence of 7 months, with 25 months of supervised release to follow. Judge Johnston also recommended that Cross Guns serve the first 60 days of his supervised release at Connection Corrections in Warm Springs, Montana and that he serve his term of custody at FCI Sheridan in Sheridan, Oregon and that. (Doc.61.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 61) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Wesley Allen Cross Guns be sentenced to the Bureau of Prison for 7 months, with 25 months of supervised release to follow. Cross Guns will spend the first 60 days of his supervised release at Connection Corrections in Warm Springs, Montana. Cross Guns should serve his term of custody at FCI Sheridan in Sheridan, Oregon.

DATED this 5th day of October, 2023.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brian Morris, Chief District Judge
United States District Court